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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,892	02/28/2002	Jeffrey J. Fegley	21748-919	7895
29450	7590	10/29/2004	EXAMINER	
BARLEY SNYDER, LLC 1000 WESTLAKES DRIVE, SUITE 275 BERWYN, PA 19312			DEBERADINIS, ROBERT L	
			ART UNIT	PAPER NUMBER
			2836	

DATE MAILED: 10/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/087,892

Applicant(s)

FEGLEY ET AL.

Examiner

Robert DeBeradinis

Art Unit

2836



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 February 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/4/02</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This application is a Continuation In Part (CIP) of application 09/796,963 now US Patent 6,791,213.

#### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-31 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-34 of U.S. Patent No. 6,791,213. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1, 14 of the application are not patentably distinct from claims 1, 16, 23 of US Patent 6,791,213.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2836

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over IVIE 5,727,055 in view of JENNISON 6,535,602.

Regarding claims 1-5, 10, 11, 12, 13, 14 , 15.

IVIE discloses a signal distribution system having a structure wiring network extending between rooms of a premises and connected to a central distribution unit capable of receiving a plurality of services from outside or inside the premises, the system comprising:

A central distribution panel (figure 4C, panel 224) having at least one input electrical connector for receiving a service, a plurality of output connectors each being connected to a respective conductor terminated in a room of the premises, and a central region having a plurality of module receiving connectors each having a first set of conductors connected to the input electrical connector and a second set of conductors connected to a respective output connector.

IVIE does not disclose a plurality of modules each configured to connect selected ones of the first set of conductors to selected ones of the second set of conductors and each being securable in the central region to pass selected ones of the services to selected ones of the output connectors being connected to one of the rooms within the premises.

Art Unit: 2836

JENNISON discloses routing telephone or data lines to a given location is accomplished by plugging a module having a unique wiring to route an incoming data line to a given location (column 3, lines 43-68, column 4, lines 1-4).

It would have been obvious to one having ordinary skill in the art at the time of this invention to modify the panel (224) disclosed by IVIE have modules to replace the interconnecting cables. The motivation would be to make the rerouting operation foolproof (JENNISON, abstract).

Regarding claims 2, 3, 4, 5, 8.

JENNISON discloses wherein the plurality of modules comprises a data line module for connecting data signals from the first set of conductors to selected ones of the second set of conductors (column 3, lines 43-45).

Regarding claims 7, 9.

IVIE in view of JENNISON discloses the signal distribution system of claim 1.

IVIE in view of JENNISON is silent as to mating connector on a rear face and a receptacle connector on a front face.

IVIE discloses different arrangements of connectors on panels.

It would have been obvious to one having ordinary skill in the art at the time of this invention to arrange a connector on a rear face panel interconnecting with a connector on the front face panel. The motivation would be to interconnect cables that were either feeding into the panel or feeding out of the panel thereby leaving the front face of the panel for interconnecting the inputs and outputs.

Regarding claims 6, 15-29.

Art Unit: 2836

IVIE in view of JENNISON discloses a signal distribution system of claim 14.

IVIE in view of JENNISON does not disclose a video interconnecting module.

JENNISON disclosing the plurality of modules for interfacing or interconnecting the plurality of input cables with the plurality of output cables.

The Examiner takes official notice. Interconnection of video transmission lines is well known to one skilled in the art.

JENNISON discloses interconnecting modules.

It would have been obvious to one having ordinary skill in the art at the time of this invention to modify the teachings of IVIE in view of JANNISON to include a video interconnecting module. The motivation would be to interconnect video transmission lines to pass video signals from the first set of conductors to selected conductors of the second set of conductors

Claims 30, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over IVIE 5,727,055 in view of JENNISON 6,535,602 in further view of PROHS 5,267,305. Regarding claims 30, 31.

IVIE in view of JENNISON discloses the signal distribution of claim 14.

IVIE in view of JENNISO does not disclose surge suppressor module or providing sensing and control services throughout the system.

PROHS discloses surge suppressor protection on interface (column 15, lines 40-45) and sensing, detection on outbound signals (column 69, lines 25-38).

Art Unit: 2836

It would have been obvious to one having ordinary skill in the art at the time of this invention to modify the interface discloses by IVIE in view of JENNISON to include surge suppressor and sensing. The motivation would be to protect the interface from surges and to inhibit signals to reduce interference in the interface.

Any inquiry concerning this communication should be directed to Robert L. DeBeradinis whose number is (571) 272-2049. The Examiner can normally be reached Monday-Friday from 8:30 am to 5:00 pm. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Brian Sircus, can be reached on (571) 272-2058. The Fax phone number for this Group is (703) 872-9306.

RLD

OCTOBER 21, 2004

A handwritten signature in black ink, appearing to read 'Robert L. DeBeradinis', written in a cursive style.

ROBERT L. DEBERADINIS  
PRIMARY EXAMINER